

16638 U.S. PTO  
102403

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 5693P029

First Inventor Abhijeet P. Gole, et al.

Title Synchronous Mirroring Including Writing Image Updates To A File

Express Mail Label No. EV336583712US

17497 U.S. PTO  
10/24/03

102403

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 29]  
(preferred arrangement set forth below)
- Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 8]
5. Oath or Declaration (signed) [Total Pages 5]
- a. ☒ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment ☐ Application Amended  
to Reflect Claim of Priority
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Copy of postcard with certificate mailing label showing  
contents therein

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: \_\_\_\_\_

Prior application Information: Examiner \_\_\_\_\_

Group/Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**18. CORRESPONDENCE ADDRESS**

☒ Customer Number

08791

or ☐ Correspondence address below

Name

Address

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State

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Country

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(408) 720-8300

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Name (Print/Type) Arlen M. Hartounian

Registration No. (Attorney/Agent) 52,997

Signature



Date 10/24/03

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT** (\$) **810.00**

Complete if Known

Application Number  
Filing Date  
First Named Inventor **Abhijeet P. Gole**  
Examiner Name  
Group/Art Unit  
Attorney Docket No. **5693P029**

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☐ Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 770      | 2001         | 385      | Utility filing fee     | 770.00   |
| 1002         | 340      | 2002         | 170      | Design filing fee      |          |
| 1003         | 530      | 2003         | 265      | Plant filing fee       |          |
| 1004         | 770      | 2004         | 385      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |
| SUBTOTAL (1) |          |              |          |                        | 770.00   |

### 2. EXTRA CLAIM FEES

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 20                 | 20*          | 0              | \$0.00   |
| Independent Claims | 3            | 3*             | 0        |
| Multiple Dependent |              |                |          |

| Large Entity |          | Small Entity |          | Fee Description   | Fee Paid |
|--------------|----------|--------------|----------|---|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |   |          |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                    |          |
| 1201         | 86       | 2201         | 43       | Independent claims in excess of 3                         |          |
| 1203         | 290      | 2203         | 145      | Multiple Dependent claim, if not paid                     |          |
| 1204         | 86       | 2204         | 43       | **Reissue independent claims over original patent         |          |
| 1205         | 18       | 2205         | 9        | **Reissue claims in excess of 20 and over original patent |          |
| SUBTOTAL (2) |          |              |          |   | 0.00     |

\*or number previously paid, if greater, For Reissues, see below

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity                       |          | Small Entity |          | Fee Description  | Fee Paid |
|------------------------------------|----------|--------------|----------|--|----------|
| Fee Code                           | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051                               | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052                               | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 2053                               | 130      | 2053         | 130      | Non-English specification  |          |
| 1812                               | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804                               | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805                               | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251                               | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252                               | 420      | 2252         | 210      | Extension for reply within second month                                    |          |
| 1253                               | 950      | 2253         | 475      | Extension for reply within third month                                     |          |
| 1254                               | 1,480    | 2254         | 740      | Extension for reply within fourth month                                    |          |
| 1255                               | 1,210    | 2255         | 605      | Extension for reply within fifth month                                     |          |
| 1404                               | 330      | 2401         | 165      | Notice of Appeal   |          |
| 1402                               | 330      | 2402         | 165      | Filing a brief in support of an appeal                                     |          |
| 1403                               | 290      | 2403         | 145      | Request for oral hearing   |          |
| 1451                               | 1,510    | 2451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452                               | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453                               | 1,330    | 2453         | 665      | Petition to revive - unintentional   |          |
| 1501                               | 1,330    | 2501         | 665      | Utility issue fee (or reissue)   |          |
| 1502                               | 480      | 2502         | 240      | Design issue fee   |          |
| 1503                               | 640      | 2503         | 320      | Plant issue fee  |          |
| 1460                               | 130      | 2460         | 130      | Petitions to the Commissioner  |          |
| 1807                               | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806                               | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021                               | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) | 40.00    |
| 1809                               | 770      | 1809         | 385      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810                               | 770      | 2810         | 385      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801                               | 770      | 2801         | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802                               | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |
| Other fee (specify)                |          |              |          |  |          |
| * Reduced by Basic Filing Fee Paid |          |              |          |  |          |
| SUBTOTAL (3)                       |          |              |          |  | 40.00    |

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type) **Arlen M. Hartounian** Registration No. **52,997** Telephone **(408) 720-8300**  
Signature  Date **10/24/03**

EV336583712US

"Express Mail" mailing label number: EV336583712US

Date of Deposit: 10-24-03

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450  
Carla Vignola  
(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

(Date signed)

Application No.: \_\_\_\_\_ Filing Date: \_\_\_\_\_ BSTZ Docket #: 005693.P029 Atty/Sec: JMB/AMH/cv  
Date Mailed: 10/24/2003 Docket Due Date(s): \_\_\_\_\_ Client: NETWORK APPLIANCE, INC.  
Title Synchronous Mirroring Including Writing Image Updates To A File

Inventor(s) Gole, Munnalaneni, Smith, Federwisch

*The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:*

|   |  |
|---|--|
| <input type="checkbox"/> Amendment: (___ pgs)   | <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08 (___ pgs)            |
| <input type="checkbox"/> Appeal Brief & two copies (___ pgs)  | <input type="checkbox"/> Issue Fee Transmittal (original & copy)                           |
| <input checked="" type="checkbox"/> Application: <u>Utility</u><br>( <u>29</u> pages w/ cover & abstract)                 | <input checked="" type="checkbox"/> Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i) |
| <input type="checkbox"/> Application Amended to Reflect Claim of Priority   | <input type="checkbox"/> Notice of Appeal  |
| <input checked="" type="checkbox"/> Assignment & Cover Sheet ( <u>8</u> pgs)  | <input type="checkbox"/> Petition for: _____   |
| <input type="checkbox"/> Certificate of   | <input type="checkbox"/> Request for Continued Examination (RCE)                           |
| <input type="checkbox"/> Continued Prosecution Application (CPA)  | <input type="checkbox"/> Reply Brief (___ pgs)   |
| <input checked="" type="checkbox"/> Declaration & POA ( <u>5</u> pgs) (signed)  | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request                |
| <input checked="" type="checkbox"/> Drawings: <u>8</u> sheets, <u>8</u> figures   | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter          |
| <input checked="" type="checkbox"/> Express Mail No: <u>EV336583712US</u>   | <input type="checkbox"/> Terminal Disclaimer   |
| <input type="checkbox"/> Extension of Time: _____   | <input type="checkbox"/> Transmittal of Formal Drawings                                    |
| <input checked="" type="checkbox"/> Fee Transmittal (original & copy)   | <input type="checkbox"/> Transmittal of Publication Fee Due                                |
| <input checked="" type="checkbox"/> Other <u>copy of postcard with certificate mailing label showing contents therein</u> | <input checked="" type="checkbox"/> Transmittal Letter                                     |
| SV  | <input checked="" type="checkbox"/> Check No. 60891 in the Amount of <u>\$810.00</u>       |
| Assignee: Network Appliance, Inc.   | <input type="checkbox"/> Check No. _____ in the Amount of _____                            |

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**


|                        |   |
|------------------------|---|
| First Named Inventor   | Abhijeet P. Gole  |
| Title                  | Synchronous Mirroring Including Writing Image Updates To A File |
| Attorney Docket Number | 5693P029  |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

10/24/03

Date

  
Signature

Arlen M. Hartounian, Reg. No. 52,997

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 112(b)(2)(B)(iii)).**